

STATE OF NORTH CAROLINA

GASTON

County

File #

CRS 50352

16 CRS 62725, 62727, 62729, 58924

In The General Court Of Justice

☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

Jeffrey D. Black

DOB

5-22-78

Age

39

Highest Level Of Education Completed

GED

TRANSCRIPT OF PLEA

G.S. 15A-1022, 15A-1022.1

NOTE: Use this section ONLY when the Court is rejecting the plea arrangement.

☐ The plea arrangement set forth within this transcript is hereby rejected and the clerk shall place this form in the case file. (Applies to plea arrangements disclosed on or after December 1, 2009.)

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of ☒ guilty ☐ guilty pursuant to *Alford* decision ☐ no contest, and (3) offered the following answers to the questions set out below:

Answers

1. Are you able to hear and understand me? (1) yes
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you? (2) yes
3. At what grade level can you read and write? (3) 12th
4. (a). Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other substances? (4a) No
(b). When was the last time you used or consumed any such substance? (4b) Oct. 2011
5. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge? (5) yes
6. (a). Have you and your lawyer discussed the possible defenses, if any, to the charges? (6a) yes
(b). Are you satisfied with your lawyer's legal services? (6b) yes
7. (a). Do you understand that you have the right to plead not guilty and be tried by a jury? (7a) yes
(b). Do you understand that at such trial you have the right to confront and to cross examine witnesses against you? (7b) yes
(c). Do you understand that at a jury trial you have the right to have a jury determine the existence of any aggravating factors that may apply to your case (and, if applicable, additional sentencing points not related to prior convictions) beyond a reasonable doubt? (7c) yes
(d). Do you understand that by your plea(s) you give up these and other valuable constitutional rights to a jury trial (and, if applicable, rights related to sentencing)? (7d) yes
8. Do you understand that, if you are not a citizen of the United States of America, your plea(s) of guilty or no contest may result in your deportation from this country, your exclusion from admission to this country, or the denial of your naturalization under federal law? (8) yes
- ☒ 9. Do you understand that upon conviction of a felony you may forfeit any State licensing privileges you have in the event that you refuse probation or that your probation is revoked? (9) yes
10. Do you understand that following a plea of guilty or no contest there are limitations on your right to appeal? (10) yes
11. Do you understand that your plea of guilty may impact how long biological evidence related to your case (for example, blood, hair, skin tissue) will be preserved? (11) yes

12. Do you understand that you are pleading ☒ guilty ☐ no contest to the charges shown below?
(Describe charges, total maximum punishments, and applicable mandatory minimums for those charges.)

(12) yes

PLEAS										
✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL.	#Pun. CL.	Maximum Punishment
	G	17 CRS 50352	I	Larceny of Motor Vehicle	8-3-16	14-72(A)	F	H		39 months
			II	(F) Breaking +/or Entering	thru	14-54	F	H		39 months
			III	(M) Larceny	8-4-16	14-72	M	I		120 days
	G	16 CRS 62725	I	(F) Larceny	8-27-16	14-72(A)	F	H		39 months
	G	16 CRS 62727	I	(F) Poss. of Stolen Goods	8-9-16	14-71.1	F	H		39 months
	G	16 CRS 62729	I	(F) Breaking +/or Entering	8-4-16	14-54(A)	F	H		39 months
			II	Larceny after B + E	8-4-16	14-72(B)(2)	F	H		39 months
	G	16 CRS 58924	I	Possession of Methamphetamine	7-29-16	90-95(A)(3)	F	I		24 months

☐ See attached AOC-CR-300A, for additional charges.

*G = Guilty. GA = Alford plea
NC = No Contest

TOTAL MAXIMUM PUNISHMENT

258 months plus 120 days

MANDATORY MINIMUM FINES & SENTENCES (if any)

✓ NOTE TO CLERK: If this column is checked this is an added offense or reduced charge.

± NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

13. Do you now personally plead ☒ guilty ☐ no contest to the charges I just described?

(13) yes

14. ☒ (a) Are you in fact guilty?

(14a) yes

☐ (b) (no contest plea) Do you understand that, upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty?

(14b) N/A

☐ (c) (Alford guilty plea)

(1) Do you now consider it to be in your best interest to plead guilty to the charges I just described?

(14c1) N/A

(2) Do you understand that, upon your "Alford guilty plea," you will be treated as being guilty whether or not you admit that you are in fact guilty?

(14c2) N/A

☐ 15. (Use if aggravating factors are listed below) Have you admitted the existence of the aggravating factors shown below, have you agreed that there is evidence to support these factors beyond a reasonable doubt, have you agreed that the Court may accept your admission to these factors, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these aggravating factors ☐ agree that the State has provided you with appropriate notice about these aggravating factors? (If so, review the aggravating factors with the defendant.)

(15) N/A

☐ 16. (Use if sentencing points are listed below) Have you admitted the existence of the sentencing points not related to prior convictions shown below, have you agreed that there is evidence to support these points beyond a reasonable doubt, have you agreed that the Court may accept your admission to these points, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these sentencing points ☐ agree that the State has provided you with appropriate notice about these sentencing points? (If so, review the sentencing points with the defendant.)

(16) N/A

17. Do you understand that you also have the right during a sentencing hearing to prove to the Court the existence of any mitigating factors that may apply to your case?

(17) yes

18. Do you understand that the courts have approved the practice of plea arrangements and you can discuss your plea arrangement with me without fearing my disapproval?

(18) yes

STATE VERSUS

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Name Of Defendant

Jeffrey D. Black

19. Have you agreed to plead ☒ guilty ☐ no contest as part of a plea arrangement? (If so, review the terms of the plea arrangement as listed in No. 20 below with the defendant.) (19) yes
20. The prosecutor, your lawyer and you have informed the Court that these are all the terms and conditions of your plea:

PLEA ARRANGEMENT

The Defendant shall plead guilty to 1 count of Larceny of a Motor Vehicle; to 1 count of felony larceny; to 2 counts of breaking and/or entering; to 1 count of felony possession of stolen goods; to 1 count of larceny after breaking and/or entering; ~~and~~ to 1 count of (M) larceny and to 1 count of possession of methamphetamine. The state agrees that these cases shall be consolidated into 2 judgments wherein the Defendant shall receive suspended sentences with no additional active time but which shall run consecutively if activated. The other terms and conditions of the Defendant's judgments are in the Court's discretion.

- ☒ The State dismisses the charge(s) set out on Page Two, Side Two, of this transcript.
- ☐ The defendant stipulates to restitution to the party(ies) in the amounts set out on "Restitution Worksheet, Notice And Order (Initial Sentencing)" (AOC-CR-611).

21. Is the plea arrangement as set forth within this transcript and as I have just described it to you correct as being your full plea arrangement? (21) yes
22. Do you now personally accept this arrangement? (22) yes
23. (Other than the plea arrangement between you and the prosecutor) has anyone promised you anything or threatened you in any way to cause you to enter this plea against your wishes? (23) No
24. Do you enter this plea of your own free will, fully understanding what you are doing? (24) yes
25. Do you agree that there are facts to support your plea ☐ and admission to aggravating factors ☐ and sentencing points not related to prior convictions, and do you consent to the Court hearing a summary of the evidence? (25) yes
26. Do you have any questions about what has just been said to you or about anything else connected to your case? (26) No

ACKNOWLEDGEMENT BY DEFENDANT

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. No one has told me to give false answers in order to have the Court accept my plea in this case. The terms and conditions of the plea as stated within this transcript, if any, are accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

10-3-17

Date

10/3/17

Signature

[Signature]

Signature Of Defendant

[Signature]

Name Of Defendant (Type Or Print)

Jeffrey D. Black

- ☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

CERTIFICATION BY LAWYER FOR DEFENDANT

I hereby certify that the terms and conditions stated within this transcript, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charges to which the defendant is pleading, and the aggravating and mitigating factors and prior record points for sentencing, if any.

Date

10-3-17

Name Of Lawyer For Defendant (Type Or Print)

Larry G. Hoyle

Signature Of Lawyer For Defendant

[Signature]

CERTIFICATION BY PROSECUTOR

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated within this transcript, if any, are the terms and conditions agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charges in this case.

Date

10-3-17

Name Of Prosecutor (Type Or Print)

Debbie Gullledge

Signature Of Prosecutor

[Signature]

